

FIRST REGULAR SESSION

SENATE BILL NO. 239

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 10, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1295S.011

AN ACT

To repeal sections 301.130, 301.144, 301.550, 301.560, and 306.535, RSMo, and to enact in lieu thereof six new sections relating to the licensing and registration of certain vehicles by the department of revenue, with an effective date for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 301.130, 301.144, 301.550, 301.560, and 306.535, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 301.007, 301.130, 301.144, 301.550, 301.560, and 306.535, to read as follows:

301.007. 1. Any declaration, statement, or other document required to be made or filed pursuant to this chapter or chapter 306, RSMo, shall be signed in accordance with regulations or instructions prescribed by the director of revenue and the director of revenue shall have the power to administer oaths to individuals filing such declaration, statement, or other document. The fact that an individual's name is signed to a declaration, statement, or other document shall be prima facie evidence that the individuals signed the declaration, statement, or other document.

2. The making or filing of any declaration, statement, or other document required to be made pursuant to this chapter or chapter 306, RSMo, shall constitute a certification by the person making or filing such declaration, statement, or other document, or copy thereof, that the statements contained therein are true and that any copy filed is a true copy.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words
7 "SHOW-ME STATE", the month and year in which the registration shall expire,
8 and an arrangement of numbers or letters, or both, as shall be assigned from year
9 to year by the director of revenue. The plates shall also contain fully reflective
10 material with a common color scheme and design for each type of license plate
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and
12 shall be aesthetically attractive. Special plates for qualified disabled veterans
13 will have the "DISABLED VETERAN" wording on the license plates in preference
14 to the words "SHOW-ME STATE" and special plates for members of the national
15 guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
25 registered with the director of revenue as provided for in subsection 3 of section
26 301.030, or with the state highways and transportation commission as otherwise
27 provided in this chapter, but only one license plate shall be issued for each such
28 vehicle except as provided in this subsection. The applicant for registration of
29 any property-carrying commercial motor vehicle may request and be issued two
30 license plates for such vehicle, and if such plates are issued the director of
31 revenue may assess and collect an additional charge from the applicant in an
32 amount not to exceed the fee prescribed for personalized license plates in
33 subsection 1 of section 301.144.

34 4. The plates issued to manufacturers and dealers shall bear the [letter
35 "D" preceding the number] **letters and numbers as prescribed by section**
36 **301.560**, and the director may place upon the plates other letters or marks to

37 distinguish commercial motor vehicles and trailers and other types of motor
38 vehicles.

39 5. No motor vehicle or trailer shall be operated on any highway of this
40 state unless it shall have displayed thereon the license plate or set of license
41 plates issued by the director of revenue or the state highways and transportation
42 commission and authorized by section 301.140. Each such plate shall be securely
43 fastened to the motor vehicle in a manner so that all parts thereof shall be
44 plainly visible and reasonably clean so that the reflective qualities thereof are not
45 impaired. License plates shall be fastened to all motor vehicles except trucks,
46 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand
47 pounds on the front and rear of such vehicles not less than eight nor more than
48 forty-eight inches above the ground, with the letters and numbers thereon right
49 side up. The license plates on trailers, motorcycles, motortricycles and
50 motorscooters shall be displayed on the rear of such vehicles, with the letters and
51 numbers thereon right side up. The license plate on buses, other than school
52 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess
53 of twelve thousand pounds shall be displayed on the front of such vehicles not
54 less than eight nor more than forty-eight inches above the ground, with the
55 letters and numbers thereon right side up or if two plates are issued for the
56 vehicle pursuant to subsection 3 of this section, displayed in the same manner on
57 the front and rear of such vehicles. The license plate or plates authorized by
58 section 301.140, when properly attached, shall be prima facie evidence that the
59 required fees have been paid.

60 6. (1) The director of revenue shall issue annually or biennially a tab or
61 set of tabs as provided by law as evidence of the annual payment of registration
62 fees and the current registration of a vehicle in lieu of the set of
63 plates. Beginning January 1, 2010, the director may prescribe any additional
64 information recorded on the tab or tabs to ensure that the tab or tabs positively
65 correlate with the license plate or plates issued by the department of revenue for
66 such vehicle. Such tabs shall be produced in each license bureau office.

67 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and
68 display such tab or tabs in the designated area of the license plate, no more than
69 one per plate.

70 (3) A tab or set of tabs issued by the director of revenue when attached
71 to a vehicle in the prescribed manner shall be prima facie evidence that the
72 registration fee for such vehicle has been paid.

73 (4) Except as otherwise provided in this section, the director of revenue
74 shall issue plates for a period of at least six years.

75 (5) For those commercial motor vehicles and trailers registered pursuant
76 to section 301.041, the plate issued by the highways and transportation
77 commission shall be a permanent nonexpiring license plate for which no tabs
78 shall be issued. Nothing in this section shall relieve the owner of any vehicle
79 permanently registered pursuant to this section from the obligation to pay the
80 annual registration fee due for the vehicle. The permanent nonexpiring license
81 plate shall be returned to the highways and transportation commission upon the
82 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
83 license plate is issued, or the plate may be transferred to a replacement
84 commercial motor vehicle when the owner files a supplemental application with
85 the Missouri highways and transportation commission for the registration of such
86 replacement commercial motor vehicle. Upon payment of the annual registration
87 fee, the highways and transportation commission shall issue a certificate of
88 registration or other suitable evidence of payment of the annual fee, and such
89 evidence of payment shall be carried at all times in the vehicle for which it is
90 issued.

91 (6) Upon the sale or disposal of any vehicle permanently registered under
92 this section, or upon the termination of a lease of any such vehicle, the permanent
93 nonexpiring plate issued for such vehicle shall be returned to the highways and
94 transportation commission and shall not be valid for operation of such vehicle, or
95 the plate may be transferred to a replacement vehicle when the owner files a
96 supplemental application with the Missouri highways and transportation
97 commission for the registration of such replacement vehicle. If a vehicle which
98 is permanently registered under this section is sold, wrecked or otherwise
99 disposed of, or the lease terminated, the registrant shall be given credit for any
100 unused portion of the annual registration fee when the vehicle is replaced by the
101 purchase or lease of another vehicle during the registration year.

102 7. The director of revenue and the highways and transportation
103 commission may prescribe rules and regulations for the effective administration
104 of this section. No rule or portion of a rule promulgated under the authority of
105 this section shall become effective unless it has been promulgated pursuant to the
106 provisions of section 536.024, RSMo.

107 8. Notwithstanding the provisions of any other law to the contrary, owners
108 of motor vehicles other than apportioned motor vehicles or commercial motor

109 vehicles licensed in excess of eighteen thousand pounds gross weight may apply
110 for special personalized license plates. Vehicles licensed for eighteen thousand
111 pounds that display special personalized license plates shall be subject to the
112 provisions of subsections 1 and 2 of section 301.030.

113 9. Commencing January 1, 2009, the director of revenue shall cause to be
114 reissued new license plates of such design as directed by the director consistent
115 with the terms, conditions, and provisions of this section and this
116 chapter. Except as otherwise provided in this section, in addition to all other fees
117 required by law, applicants for registration of vehicles with license plates that
118 expire between January 1, 2009, and December 31, 2011, applicants for
119 registration of trailers or semitrailers with license plates that expire between
120 January 1, 2009, and December 31, 2011, and applicants for registration of
121 vehicles that are to be issued new license plates shall pay an additional fee, based
122 on the actual cost of the reissuance, to cover the cost of the newly reissued plates
123 required by this subsection. The additional fee prescribed in this subsection shall
124 not be charged to persons receiving special license plates issued under section
125 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to
126 section 301.131 and specialized license plates are exempt from the provisions of
127 this subsection.

301.144. 1. The director of revenue shall establish and issue special
2 personalized license plates containing letters or numbers or combinations of
3 letters and numbers. Such license plates shall be made with fully reflective
4 material with a common color scheme and design, shall be clearly visible at night,
5 and shall be aesthetically attractive, as prescribed by section 301.130. Any
6 person desiring to obtain a special personalized license plate for any motor
7 vehicle the person owns, either solely or jointly, other than an apportioned motor
8 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
9 pounds gross weight shall apply to the director of revenue on a form provided by
10 the director and shall pay a fee of fifteen dollars in addition to the regular
11 registration fees. The director of revenue shall issue rules and regulations
12 setting the standards and establishing the procedure for application for and
13 issuance of the special personalized license plates and shall provide a deadline
14 each year for the applications. Any rule or portion of a rule, as that term is
15 defined in section 536.010, RSMo, that is created under the authority delegated
16 in this section shall become effective only if it complies with and is subject to all
17 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,

18 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
19 powers vested with the general assembly pursuant to chapter 536, RSMo, to
20 review, to delay the effective date or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
23 two owners shall be issued identical plates. An owner shall make a new
24 application and pay a new fee each year such owner desires to obtain or retain
25 special personalized license plates; however, notwithstanding the provisions of
26 subsection 8 of section 301.130 to the contrary, the director shall allow the special
27 personalized license plates to be replaced with new plates every three years
28 without any additional charge, above the fee established in this section, to the
29 renewal applicant. Any person currently in possession of an approved
30 personalized license plate shall have first priority on that particular plate for
31 each of the following years that timely and appropriate application is made.

32 2. Upon application for a personalized plate by the owner of a motor
33 vehicle for which the owner has no registration plate available for transfer as
34 prescribed by section 301.140, the director shall issue a temporary permit
35 authorizing the operation of the motor vehicle until the personalized plate is
36 issued.

37 3. No personalized license plates shall be issued containing any letters,
38 numbers or combination of letters and numbers which are obscene, profane,
39 patently offensive or contemptuous of a racial or ethnic group, or offensive to good
40 taste or decency, or would present an unreasonable danger to the health or safety
41 of the applicant, of other users of streets and highways, or of the public in any
42 location where the vehicle with such a plate may be found. The director may
43 recall any personalized license plates, including those issued prior to August 28,
44 1992, if the director determines that the plates are obscene, profane, patently
45 offensive or contemptuous of a racial or ethnic group, or offensive to good taste
46 or decency, or would present an unreasonable danger to the health or safety of
47 the applicant, of other users of streets and highways, or of the public in any
48 location where the vehicle with such a plate may be found. Where the director
49 recalls such plates pursuant to the provisions of this subsection, the director shall
50 reissue personalized license plates to the owner of the motor vehicle for which
51 they were issued at no charge, if the new plates proposed by the owner of the
52 motor vehicle meet the standards established pursuant to this section. The
53 director shall not apply the provisions of this statute in a way that violates the

54 Missouri or United States Constitutions as interpreted by the courts with
55 controlling authority in the state of Missouri. The primary purpose of motor
56 vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a
57 personalized license plate creates a designated or limited public forum. Nothing
58 contained in this subsection shall be interpreted to prohibit the use of license
59 plates, which are no longer valid for registration purposes, as collector's items or
60 for decorative purposes.

61 4. The director may also establish categories of special license plates from
62 which license plates may be issued. Any such person, other than a person
63 exempted from the additional fee pursuant to subsection 7 of this section, that
64 desires a personalized special license plate from any such category shall pay the
65 same additional fee and make the same kind of application as that required by
66 subsection 1 of this section, and the director shall issue such plates in the same
67 manner as other personalized special license plates are issued.

68 5. The director of revenue shall issue to residents of the state of Missouri
69 who hold an unrevoked and unexpired official amateur radio license issued by the
70 Federal Communications Commission, upon application and upon payment of the
71 additional fee specified in subsection 1 of this section, except for a person
72 exempted from the additional fee pursuant to subsection 7 of this section,
73 personalized special license plates bearing the official amateur radio call letters
74 assigned by the Federal Communications Commission to the applicant with the
75 words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The
76 application shall be accompanied by a statement stating that the applicant has
77 an unrevoked and unexpired amateur radio license issued by the Federal
78 Communications Commission and the official radio call letters assigned by the
79 Federal Communications Commission to the applicant. An owner making a new
80 application and paying a new fee to retain an amateur radio plate may request
81 a replacement plate with the words "AMATEUR RADIO" in place of the words
82 "SHOW-ME STATE". If application is made to retain a plate that is three years
83 old or older, the replacement plate shall be issued upon the payment of required
84 fees.

85 6. Notwithstanding any other provision to the contrary, any business that
86 repossesses motor vehicles or trailers and sells or otherwise disposes of them
87 shall be issued a placard displaying the word "Repossessed", provided such
88 business pays the fees presently required of a manufacturer, distributor, or dealer
89 in subsection 1 of section [301.253] **301.560**. Such placard shall bear a number

90 and shall be in such form as the director of revenue shall determine, and shall be
91 only used for demonstrations when displayed substantially as provided for
92 number plates on the rear of the motor vehicle or trailer.

93 7. Notwithstanding any provision of law to the contrary, any person who
94 has retired from any branch of the United States armed forces or reserves, the
95 United States Coast Guard or reserve, the United States Merchant Marines or
96 reserve, the National Guard, or any subdivision of any such services shall be
97 exempt from the additional fee required for personalized license plates issued
98 pursuant to section 301.441. As used in this subsection, "retired" means having
99 served twenty or more years in the appropriate branch of service and having
100 received an honorable discharge.

301.550. 1. The definitions contained in section 301.010 shall apply to
2 sections 301.550 to 301.573, and in addition as used in sections 301.550 to
3 301.573, the following terms mean:

4 (1) "Boat dealer", any natural person, partnership, or corporation who, for
5 a commission or with an intent to make a profit or gain of money or other thing
6 of value, sells, barter, exchanges, leases or rents with the option to purchase,
7 offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer,
8 whether or not the vessel or vessel trailer is owned by such person. The sale of
9 six or more vessels or vessel trailers or both in any calendar year shall be
10 required as evidence that such person is eligible for licensure as a boat dealer
11 under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility
12 for renewal of his license by selling six or more vessels or vessel trailers or both
13 in the prior calendar year while licensed as a boat dealer pursuant to sections
14 301.550 to 301.573;

15 (2) "Boat manufacturer", any person engaged in the manufacturing,
16 assembling or modification of new vessels or vessel trailers as a regular business,
17 including a person, partnership or corporation which acts for and is under the
18 control of a manufacturer or assembly in connection with the distribution of
19 vessels or vessel trailers;

20 (3) "Department", the Missouri department of revenue;

21 (4) "Director", the director of the Missouri department of revenue;

22 (5) **"Emergency vehicles", motor vehicles used as ambulances, law
23 enforcement vehicles, and fire fighting and assistance vehicles;**

24 (6) "Manufacturer", any person engaged in the manufacturing, assembling
25 or modification of new motor vehicles or trailers as a regular business, including

26 a person, partnership or corporation which acts for and is under the control of a
27 manufacturer or assembly in connection with the distribution of motor vehicles
28 or accessories for motor vehicles;

29 ~~[(6)]~~ **(7)** "Motor vehicle broker", a person who holds himself out through
30 solicitation, advertisement, or otherwise as one who offers to arrange a
31 transaction involving the retail sale of a motor vehicle, and who is not:

32 (a) A dealer, or any agent, or any employee of a dealer when acting on
33 behalf of a dealer;

34 (b) A manufacturer, or any agent, or employee of a manufacturer when
35 acting on behalf of a manufacturer;

36 (c) The owner of the vehicle involved in the transaction; or

37 (d) A public motor vehicle auction or wholesale motor vehicle auction
38 where buyers are licensed dealers in this or any other jurisdiction;

39 ~~[(7)]~~ **(8)** "Motor vehicle dealer" or "dealer", any person who, for
40 commission or with an intent to make a profit or gain of money or other thing of
41 value, sells, barter, exchanges, leases or rents with the option to purchase, or
42 who offers or attempts to sell or negotiates the sale of motor vehicles or trailers
43 whether or not the motor vehicles or trailers are owned by such person; provided,
44 however, an individual auctioneer or auction conducted by an auctioneer licensed
45 pursuant to chapter 343, RSMo, shall not be included within the definition of a
46 motor vehicle dealer. The sale of six or more motor vehicles or trailers in any
47 calendar year shall be required as evidence that such person is engaged in the
48 motor vehicle business and is eligible for licensure as a motor vehicle dealer
49 under sections 301.550 to 301.573;

50 ~~[(8)]~~ **(9)** "New motor vehicle", any motor vehicle being transferred for the
51 first time from a manufacturer, distributor or new vehicle dealer which has not
52 been registered or titled in this state or any other state and which is offered for
53 sale, barter or exchange by a dealer who is franchised to sell, barter or exchange
54 that particular make of motor vehicle. The term "new motor vehicle" shall not
55 include manufactured homes, as defined in section 700.010, RSMo;

56 ~~[(9)]~~ **(10)** "New motor vehicle franchise dealer", any motor vehicle dealer
57 who has been franchised to deal in a certain make of motor vehicle by the
58 manufacturer or distributor of that make and motor vehicle and who may, in line
59 with conducting his business as a franchise dealer, sell, barter or exchange used
60 motor vehicles;

61 ~~[(10)]~~ **(11)** "Person" includes an individual, a partnership, corporation,

62 an unincorporated society or association, joint venture or any other entity;

63 [(11)] (12) "Powersport dealer", any motor vehicle dealer who sells, either
64 pursuant to a franchise agreement or otherwise, primarily motor vehicles
65 including but not limited to motorcycles, all-terrain vehicles, and personal
66 watercraft, as those terms are defined in this chapter and chapter 306, RSMo;

67 [(12)] (13) "Public motor vehicle auction", any person, firm or corporation
68 who takes possession of a motor vehicle whether by consignment, bailment or any
69 other arrangement, except by title, for the purpose of selling motor vehicles at a
70 public auction by a licensed auctioneer;

71 [(13)] (14) "Storage lot", an area, within the same city or county where
72 a dealer may store excess vehicle inventory;

73 [(14)] (15) "Used motor vehicle", any motor vehicle which is not a new
74 motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold,
75 bartered, exchanged or given away or which may have had a title issued in this
76 state or any other state, or a motor vehicle so used as to be what is commonly
77 known as a secondhand motor vehicle. In the event of an assignment of the
78 statement of origin from an original franchise dealer to any individual or other
79 motor vehicle dealer other than a new motor vehicle franchise dealer of the same
80 make, the vehicle so assigned shall be deemed to be a used motor vehicle and a
81 certificate of ownership shall be obtained in the assignee's name. The term "used
82 motor vehicle" shall not include manufactured homes, as defined in section
83 700.010, RSMo;

84 [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is
85 not a new motor vehicle franchise dealer;

86 [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in
87 section 306.010, RSMo;

88 [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010
89 which is designed and manufactured for the purposes of transporting vessels;

90 [(18)] (19) "Wholesale motor vehicle auction", any person, firm or
91 corporation in the business of providing auction services solely in wholesale
92 transactions at its established place of business in which the purchasers are
93 motor vehicle dealers licensed by this or any other jurisdiction, and which neither
94 buys, sells nor owns the motor vehicles it auctions in the ordinary course of its
95 business. Except as required by law with regard to the auction sale of a
96 government owned motor vehicle, a wholesale motor vehicle auction shall not
97 provide auction services in connection with the retail sale of a motor vehicle;

98 [(19)] (20) "Wholesale motor vehicle dealer", a motor vehicle dealer who
99 sells motor vehicles only to other new motor vehicle franchise dealers or used
100 motor vehicle dealers or via auctions limited to other dealers of any class.

101 2. For purposes of sections 301.550 to 301.573, neither the term "motor
102 vehicle" nor the term "trailer" shall include manufactured homes, as defined in
103 section 700.010, RSMo.

104 3. Dealers shall be divided into classes as follows:

- 105 (1) Boat dealers;
- 106 (2) Franchised new motor vehicle dealers;
- 107 (3) Used motor vehicle dealers;
- 108 (4) Wholesale motor vehicle dealers;
- 109 (5) Recreational motor vehicle dealers;
- 110 (6) Historic motor vehicle dealers;
- 111 (7) Classic motor vehicle dealers; and
- 112 (8) Powersport dealers.

301.560. 1. In addition to the application forms prescribed by the
2 department, each applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. When the application is being made for licensure
6 as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer,
7 wholesale motor vehicle auction or a public motor vehicle auction, certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 stationed in the troop area in which the applicant's place of business is located;
10 except, that in counties of the first classification, certification may be performed
11 by an officer of a metropolitan police department when the applicant's established
12 place of business of distributing or selling motor vehicles or trailers is in the
13 metropolitan area where the certifying metropolitan police officer is
14 employed. When the application is being made for licensure as a boat
15 manufacturer or boat dealer, certification shall be performed by a uniformed
16 member of the Missouri state water patrol stationed in the district area in which
17 the applicant's place of business is located or by a uniformed member of the
18 Missouri state highway patrol stationed in the troop area in which the applicant's
19 place of business is located or, if the applicant's place of business is located
20 within the jurisdiction of a metropolitan police department in a first class county,
21 by an officer of such metropolitan police department. A bona fide established

22 place of business for any new motor vehicle franchise dealer or used motor vehicle
23 dealer shall include a permanent enclosed building or structure, either owned in
24 fee or leased and actually occupied as a place of business by the applicant for the
25 selling, bartering, trading or exchanging of motor vehicles or trailers and wherein
26 the public may contact the owner or operator at any reasonable time, and wherein
27 shall be kept and maintained the books, records, files and other matters required
28 and necessary to conduct the business. The applicant's place of business shall
29 contain a working telephone which shall be maintained during the entire
30 registration year. In order to qualify as a bona fide established place of business
31 for all applicants licensed pursuant to this section there shall be an exterior sign
32 displayed carrying the name of the business set forth in letters at least six inches
33 in height and clearly visible to the public and there shall be an area or lot which
34 shall not be a public street on which one or more vehicles may be displayed,
35 except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall
36 not be required. The sign shall contain the name of the dealership by which it
37 is known to the public through advertising or otherwise, which need not be
38 identical to the name appearing on the dealership's license so long as such name
39 is registered as a fictitious name with the secretary of state, has been approved
40 by its line-make manufacturer in writing in the case of a new motor vehicle
41 franchise dealer and a copy of such fictitious name registration has been provided
42 to the department. When licensure is for a boat dealer, a lot shall not be
43 required. In the case of new motor vehicle franchise dealers, the bona fide
44 established place of business shall include adequate facilities, tools and personnel
45 necessary to properly service and repair motor vehicles and trailers under their
46 franchisor's warranty. **Dealers who sell only emergency vehicles as**
47 **defined in section 301.550 are exempt from maintaining a bona fide**
48 **place of business, including the related law enforcement certification**
49 **requirements, and from meeting the minimum yearly sales;**

50 (2) If the application is for licensure as a manufacturer, boat
51 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,
52 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a
53 photograph, not to exceed eight inches by ten inches, showing the business
54 building and sign shall accompany the initial application. In the case of a
55 manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer,
56 the photograph shall include the lot of the business. A new motor vehicle
57 franchise dealer applicant who has purchased a currently licensed new motor

58 vehicle franchised dealership shall be allowed to submit a photograph of the
59 existing dealership building, lot and sign but shall be required to submit a new
60 photograph upon the installation of the new dealership sign as required by
61 sections 301.550 to 301.573. Applicants shall not be required to submit a
62 photograph annually unless the business has moved from its previously licensed
63 location, or unless the name of the business or address has changed, or unless the
64 class of business has changed;

65 (3) If the application is for licensure as a wholesale motor vehicle dealer
66 or as a boat dealer, the application shall contain the business address, not a post
67 office box, and telephone number of the place where the books, records, files and
68 other matters required and necessary to conduct the business are located and
69 where the same may be inspected during normal daytime business
70 hours. Wholesale motor vehicle dealers and boat dealers shall file reports as
71 required of new franchised motor vehicle dealers and used motor vehicle dealers;

72 (4) Every applicant as a new motor vehicle franchise dealer, a used motor
73 vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with
74 the application a corporate surety bond or an irrevocable letter of credit as
75 defined in section 400.5-103, RSMo, issued by any state or federal financial
76 institution in the penal sum of twenty-five thousand dollars on a form approved
77 by the department. The bond or irrevocable letter of credit shall be conditioned
78 upon the dealer complying with the provisions of the statutes applicable to new
79 motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor
80 vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss
81 sustained by reason of the acts of the person bonded when such acts constitute
82 grounds for the suspension or revocation of the dealer's license. The bond shall
83 be executed in the name of the state of Missouri for the benefit of all aggrieved
84 parties or the irrevocable letter of credit shall name the state of Missouri as the
85 beneficiary; except, that the aggregate liability of the surety or financial
86 institution to the aggrieved parties shall, in no event, exceed the amount of the
87 bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter
88 of credit shall be paid upon receipt by the department of a final judgment from
89 a Missouri court of competent jurisdiction against the principal and in favor of
90 an aggrieved party;

91 (5) Payment of all necessary license fees as established by the
92 department. In establishing the amount of the annual license fees, the
93 department shall, as near as possible, produce sufficient total income to offset

94 operational expenses of the department relating to the administration of sections
95 301.550 to 301.573. All fees payable pursuant to the provisions of sections
96 301.550 to 301.573, other than those fees collected for the issuance of dealer
97 plates or certificates of number collected pursuant to subsection 6 of this section,
98 shall be collected by the department for deposit in the state treasury to the credit
99 of the "Motor Vehicle Commission Fund", which is hereby created. The motor
100 vehicle commission fund shall be administered by the Missouri department of
101 revenue. The provisions of section 33.080, RSMo, to the contrary
102 notwithstanding, money in such fund shall not be transferred and placed to the
103 credit of the general revenue fund until the amount in the motor vehicle
104 commission fund at the end of the biennium exceeds two times the amount of the
105 appropriation from such fund for the preceding fiscal year or, if the department
106 requires permit renewal less frequently than yearly, then three times the
107 appropriation from such fund for the preceding fiscal year. The amount, if any,
108 in the fund which shall lapse is that amount in the fund which exceeds the
109 multiple of the appropriation from such fund for the preceding fiscal year.

110 2. In the event a new manufacturer, boat manufacturer, motor vehicle
111 dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle
112 auction or a public motor vehicle auction submits an application for a license for
113 a new business and the applicant has complied with all the provisions of this
114 section, the department shall make a decision to grant or deny the license to the
115 applicant within eight working hours after receipt of the dealer's application,
116 notwithstanding any rule of the department.

117 3. Upon the initial issuance of a license by the department, the
118 department shall assign a distinctive dealer license number or certificate of
119 number to the applicant and the department shall issue one number plate or
120 certificate bearing the distinctive dealer license number or certificate of number
121 within eight working hours after presentment of the application. Upon the
122 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer,
123 public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor
124 vehicle auction, the department shall issue the distinctive dealer license number
125 or certificate of number as quickly as possible. The issuance of such distinctive
126 dealer license number or certificate of number shall be in lieu of registering each
127 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
128 manufacturer, manufacturer, public motor vehicle auction, wholesale motor
129 vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

130 4. Notwithstanding any other provision of the law to the contrary, the
131 department shall assign the following distinctive dealer license numbers to:

- 132 New motor vehicle franchise dealers, **new**
- 133 **motorcycle and new powersport**
- 134 **dealers** D-0 through [D-999
- 135 New motor vehicle franchise and
- 136 commercial motor vehicle D-1000 through] D-1999
- 137 Used motor vehicle, **used motorcycle,**
- 138 **and used powersport** dealers D-2000 through D-[5399] **9999**
- 139 [and D-6000 through D-9999]
- 140 Wholesale motor vehicle dealers [W-1000] **W-0** through W-1999
- 141 Wholesale motor vehicle
- 142 auctions [W-2000] **WA-0** through [W-2999] **WA-999**
- 143 **New and used** trailer dealers T-0 through T-9999
- 144 Motor vehicle [and], trailer, **and**
- 145 **boat** manufacturers [M-0] **DM-0** through [M-9999] **DM-999**
- 146 [Motorcycle dealers D-5400 through D-5999]
- 147 Public motor vehicle auctions [A-1000] **A-0** through A-1999
- 148 Boat dealers [and boat
- 149 manufacturers] [B-0] **M-0** through [B-9999] **M-9999**

150 5. Upon the sale of a currently licensed new motor vehicle franchise
151 dealership the department shall, upon request, authorize the new approved dealer
152 applicant to retain the selling dealer's license number and shall cause the new
153 dealer's records to indicate such transfer.

154 6. In the case of manufacturers and motor vehicle dealers, the department
155 shall also issue one number plate bearing the distinctive dealer license number
156 to the applicant upon payment by the manufacturer or dealer of a fifty dollar
157 fee. Such license plates shall be made with fully reflective material with a
158 common color scheme and design, shall be clearly visible at night, and shall be
159 aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat
160 manufacturers shall be entitled to one certificate of number bearing such number
161 upon the payment of a fifty dollar fee. As many additional number plates as may
162 be desired by manufacturers and motor vehicle dealers and as many additional
163 certificates of number as may be desired by boat dealers and boat manufacturers
164 may be obtained upon payment of a fee of ten dollars and fifty cents for each
165 additional plate or certificate. A motor vehicle dealer, boat dealer, manufacturer,

166 boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer
167 or wholesale motor vehicle auction obtaining a dealer license plate or certificate
168 of number or additional license plate or additional certificate of number,
169 throughout the calendar year, shall be required to pay a fee for such license
170 plates or certificates of number computed on the basis of one-twelfth of the full
171 fee prescribed for the original and duplicate number plates or certificates of
172 number for such dealers' licenses, multiplied by the number of months remaining
173 in the licensing period for which the dealer or manufacturers shall be required
174 to be licensed. In the event of a renewing dealer, the fee due at the time of
175 renewal shall not be prorated.

176 7. The plates issued pursuant to subsection 3 or 6 of this section may be
177 displayed on any motor vehicle owned and held for resale by the motor vehicle
178 dealer or manufacturer, and used by a customer who is test driving the motor
179 vehicle, or is used by an employee or officer, but shall not be displayed on any
180 motor vehicle or trailer hired or loaned to others or upon any regularly used
181 service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
182 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

183 8. The certificates of number issued pursuant to subsection 3 or 6 of this
184 section may be displayed on any vessel or vessel trailer owned and held for resale
185 by a boat manufacturer or a boat dealer, and used by a customer who is test
186 driving the vessel or vessel trailer, or is used by an employee or officer, but shall
187 not be displayed on any vessel or vessel trailer hired or loaned to others or upon
188 any regularly used service vessel or vessel trailer. Boat dealers and
189 manufacturers may display their certificate of number on a vessel or vessel trailer
190 which is being transported to an exhibit or show.

191 9. (1) Beginning August 28, 2006, every application for the issuance of a
192 used motor vehicle dealer's license shall be accompanied by proof that the
193 applicant, within the last twelve months, has completed an educational seminar
194 course approved by the department as prescribed by subdivision (2) of this
195 subsection. Wholesale and retail auto auctions shall be exempt from the
196 requirements of this subsection. The provisions of this subsection shall not apply
197 to new motor vehicle franchise dealers or a motor vehicle leasing agency. The
198 provisions of this subsection shall not apply to used motor vehicle dealers who
199 were licensed prior to August 28, 2006.

200 (2) The educational seminar shall include, but is not limited to, the dealer
201 requirements of sections 301.550 to 301.573, the rules promulgated to implement,

202 enforce, and administer sections 301.550 to 301.570, and any other rules and
203 regulations promulgated by the department.

306.535. 1. Applications shall be made on forms prescribed and furnished
2 to the applicant, upon demand, by the director of revenue.

3 2. The application shall contain a brief description of the outboard motor
4 to be registered, the name of manufacturer, the factory number or serial number,
5 the type and color of the outboard motor, the amount of motive power stated in
6 figures of horsepower, and the name and address, including county, of the owner;
7 and a declaration and affidavit of ownership, showing the date and from whom
8 purchased.

9 3. The fee for registering and issuing a license shall be two dollars, and
10 the fee for a certificate of title shall be five dollars, both of which fees shall be
11 paid to the director of revenue at the time of making the application.

12 4. If application for the certificate of title is not made within sixty days
13 after the outboard motor is acquired or brought into the state by the applicant,
14 a delinquency penalty fee of ~~[ten]~~ **twenty-five** dollars for each thirty days of
15 delinquency, not to exceed a total of ~~[thirty]~~ **two hundred** dollars, shall be
16 imposed. If the director of revenue learns that any person has failed to make
17 application for a certificate of title within sixty days after acquiring or bringing
18 into the state an outboard motor or has sold an outboard motor without obtaining
19 a certificate of title, he shall cancel the registration of all outboard motors
20 registered in the name of the person, either as sole owner or as a co-owner, and
21 shall notify the person that the cancellation shall remain in force until the person
22 pays the delinquency penalty fee provided in this subsection together with all
23 fees, charges and payments which he should have paid in connection with the
24 certificate of title and registration of the outboard motor.

Section B. The repeal and reenactment of section 301.560 of this act shall
2 become effective January 1, 2009.

✓